IN THE UNITED STATES-PAJENT AND TRADEMARK OFFICE

In re Patent Application of:

Jerome Pierrard et al.

Application No.: 10/018,786

Filed: June 26, 2002

For: A VIRULANT XANTHOMONAS-

CAMPESTRIS STRAINS PRODUCING XANTHAN

Group Art Unit: 1653

Examiner: Robert A. Wax

Confirmation No.: 1914

DECLARATION ON BIOLOGICAL DEPOSIT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

I, Deborah H. Yellin declare as follows:

- 1. The cultures, referenced in the above-captioned patent application as RPA-BIOCAT 1016 (Accession No. CBS 101940), BIOCAT 1017 (Accession No. CBS 101941), BIOCAT 1019 (Accession No. CBS 101942), BIOCAT 1021 (Accession No. CBS 101943), and BIOCAT 1022 (Accession No. CBS 101944) were deposited on June 16, 1999 at the depository Centraalbureau Vorr Schimmelcultures (CBS), Ossterstaat 1, P.O. Box 273, 3740 AG Baarn, The Netherlands, as a permanent deposit and will be made available to the public in accordance with the regulations set forth at 37 C.F.R. § 1.806. A copy of the receipt document reciting the terms of deposit is attached hereto.
- 2. It is further declared that the applicants acknowledge their duty to remove all restrictions on the dissemination of the deposited cell line upon the issue of a patent arising from the present application. The applicants have accepted the responsibility to replace the cell line if the deposit with the CBS should die or be destroyed and have paid the fee for the patent-related deposit services.

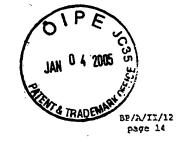
Declaration on Biological Deposit Application No. 10/018,786 Attorney's Docket No. 022701-966 Page 2

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the instant application or any patent issuing thereon.

Date: January 4, 2005

Deborah H. Yellin Reg. No. 45,904

VA 458103.1



BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Rhodia Chimie Usine de Melle R.T.A. BP 30 79500 MELLE Frankrijk
name and address of depositor

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page

1. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: RPA-BIOCAT 1016	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: CBS 101940
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED	TAXONOMIC DESIGNATION
The microorganism identified under I abov X a scientific description a proposed takonomic designation (mark with a cross where applicable)	e was accompanied by:
III. RECEIPT AND ACCEPTANCE	
This International Depositary accepts the microeceived by it on 16-06-99 (de	coorganism identified under I above, which ate dd-mm-yy of the original deposit) 1
IV. RECEIPT OF REQUEST FOR CONVERSION	
request to convert the original deposit to a	s received by this International Depositary -mm-yy of the original deposit) and a deposit under the Eudapest Treaty was received -mm-yy of receipt of request for conversion)
V. INTERNATIONAL DEPOSITABY AUTHORITY	
Name: Centraalbureau voor Schimmelculitures Address: Oosterstraat 1 P.O. Box 273 3740 AG BAARN The Netherlands	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): Mrs F.B. Srippe-Claus Date (dd-mm-yy): 22-06-99

¹ Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired.

EUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Rhodia	L Chimie
	de Melle
R.T.A.	
BP 30	
	MELLE
Frankri	
0200	and address of the party to whom the
Home	viability statement is issued

VIABILITY STATEMENT issued pursuant to Rule 10.2 by the INTERNATIONAL DEPOSITARY AUTHORITY identified on the following page

I. DEPO	SITOR	II. IDENTIFICATION OF THE MICROORGANISM
Name:	Rhodia Chimie Usine de Melle	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY:
	R.T.A.	,
Address	:: BP 30	CBS 101940
	79500 MELLE Frankrijk	Date (dd-mm-yy) of the deposit or of the transfer: 1 16-06-99
III. VI	ABILITY STATEMENT	
The via	bility of the microorganism identifies 6-99 2 On that date (dd-mm-y	ed under II above was tested
3	viable	y), the said microorganism was

Indicate the date of the original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).

² In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.

Mark with a cross the applicable box.

IV. CONT	TIONS T	NDER 1	MICH	THE	AIVE	ILITY	EAS	BEEN	PERFOR	MZD	4				
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	Centraal						s	to re	ture (s	t the	Intern	ation	al De	posit	ary
lame:	Centraal	bureau					s	to re	ture(s	t the	Intern	ation	al De	posit	ary
Name:	Centraal	bureau					s	to re	presen	t the	Intern	ation	al De	posit	ary
Name:	Centraal	bureau raat 1 c 273	voor S				S	to r	presen	t the	Intern	ation	al Do	posit	ary

Fill in if the information has been requested and if the results of the test were negative.

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Rhodia Chimie	
Usine de Melle	
R.T.A.	
BP 30	
79500 MELLE	
Frankrijk	
name and a	idrass of denomitor

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page

I., IDENTIFICATION OF THE MICROGREANISM	
Identification reference given by the DEFOSITOR: RPA-BIOCAT 1017	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: CBS 101941
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED	TAXONOMIC DESIGNATION
The microorganism identified under I abov [X] a scientific description [a proposed taxonomic designation (mark with a cross where applicable)	e vas accompanied by:
This International Depositary accepts the microcecived by it on 16-06-99 (dd	coorganism identified under I above, which ate dd-mm-yy of the original deposit) 1
IV. RECEIPT OF REQUEST FOR CONVERSION	
by it on not applicable (date dd-	s received by this International Depositary mm-yy of the original deposit) and a deposit under the Budapest Treaty was received mm-yy of receipt of request for conversion)
V. DITERNATIONAL DEPOSITARY AUTEORITY	
Name: Centraalbureau voor Schimmelcultures Addzess: Oosterstraat 1 P.O. Box 273 3740 AG BAARN The Netherlands	Signature(s) of person(s) having the power to represent the International Depositary Buthority or of authorized official(s) Mrs F.B. Snlppe-Claus Date (dd-mm-yy): 22-06-99

1 Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired.

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Rhodla Chimie Usine de Melie R.T.A. BP 30 79500 MELLE Frankrijk
name and address of the party to whom the viability statement is issued

VIREILITY STATEMENT issued pursuant to Rule 10.2 by the INTERNATIONAL DEPOSITARY AUTHORITY identified on the following page

I. DEPO	SITOR	II. IDENTIFICATION OF THE MICROORGANISM
Name:	Rhodia Chimie Usine de Melle R.T.A.	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY:
Address	: RP 30	CBS 101941
	79500 MELLE Frankrijk	Date (dd-mm-yy) of the deposit or of the transfer: 1 16-06-99
III. VI	ability Statement	
		a identified under II above was tested
on 22-0	6-99 2. On that dat	e (dd-mm-yy), the said microorganism was
\times ³ 7	riable	
, ₃اسا	no longer viable	

Indicate the date of the original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).

² In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.

Mark with a cross the applicable box.

IV. co	ONDITIONS	UNDER	MHICH	THE	VIABILITY	HAS	Bren	PERFORMED	4
								,	
									:
V. DIT	ernationa	L DEPO	SITARY	ECA	HORITY				
Name :					nmekultures	- 1	to re	present th	person(s) having the power e International Depositary authorized official(s):
Addres	osters			•		1	H		
•	P.O. Bo 3740 A			•	•		Mrs I	B. Snippe-C	Claus Ed J.A. Stalpers
	The Ne	therland	ís.	· •		: 1		(dd-nar-yy)	

⁴Fill in if the information has been requested and if the results of the test were negative.

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Rhodia Chimie Usine de Melle R.T.A. BP 30 79500 MELLE Frankrijk	
name and address of depositor	

RECRIPT IN THE CASE OF AN ORIGINAL DEPOSIT issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	•
Identification reference given by the DEPOSITOR: RPA-BIOCAT 1019	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: CBS 101942
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED	TAXONOMIC DESIGNATION
The microorganism identified under I about X a scientific description a proposed taxonomic designation (mark with a cross where applicable)	ve was accompanied by:
This Internetional Depositary accepts the mic received by it on 16-06-99 (c	roorganism identified under I above, which late dd-mm-yy of the original deposit) 1
IV. RECEIPT OF REQUEST FOR CONVERSION	
by it on not applicable (date dd	ns received by this International Depositary -mm-yy of the original deposit) and a deposit under the Budapest Treaty was received -mm-yy of receipt of request for conversion)
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Centraalbureau voor Schimmelcultures Address: Oosterstraat 1 P.O. Box 273 3740 AG BAARN The Netherlands	Signature(s) of person(s) having the power to represent the International Depositary Authority of ob authorized official(s): Mrs F.B. Snippe-Claus Dr. J. Stapers Date (dd-mm-yy): 22-06-99

¹ Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired.

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BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Rhodia Chimle	
Usine de Melle	
R.T.A.	
BP 30	
79500 MELLE	
Frankrijk	
name and address of the party to whom th	e

viability statement is issued

VIABILITY STATEMENT issued pursuant to Rule 10.2 by the INTERNATIONAL DEPOSITARY AUTHORITY identified on the following page

I. DEP	OSTTOR	II. IDENTIFICATION OF THE MICROCREANISM
Name:	Rhođia Chimie Usine de Melle R.T.A.	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY:
Address	። BP 30	CBS 101942
	79500 MELLE Frankrijk	Date (dd-mm-yy) of the deposit or of the transfer: 1 16-06-99
•	ABILITY STATEMENT	m identified under II above was tested
on 22-0	6-99 2. On that day	te (dd-mm-yy), the said microorganism was
X 3	viable	244 THE SALU MICHOORGANISM VAS
3 :	no longer viable	

Indicate the date of the original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).

² In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.

 $^{^{3}}$ Mark with a cross the applicable box.

IV.	CONDITIONS	UNDER	MRICH	THE.	VIABILITY	HAS	BEEN	FERFORMED	4			
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v. 1	RTERNATION	AL DEPO	SITARY	זעג	BORLTY							·
Name	: Centra	alburea	u voor S	ichim	nmelcultures		to re	present t	f person(he Intern	ational	Deposi	itarv
Addr	ess: Ooster	straat 1 ox 273					R	2		٠,	.:S/	
•	3740 A	ox 2/3 IG BAA etheriana			•		Mrs F	B. Snippe (dd-mm-yy	Claus	/	TAA'S	talpars

⁴ Fill in if the information has been requested and if the results of the test were negative.

BUDATEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Rhodia Chimie Usine de Melle R.T.A BP 30 79500 MELLE	
Frankrijk	
name and address of depositor	

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page

1. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DSPOSITOR: RPA-BHOCAT 1021	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: CBS 101943
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED	TAXONOMIC DESIGNATION
The microorganism identified under I above X a scientific description a proposed taxonomic designation (mark with a cross where applicable)	e was accompanied by:
***************************************	roorganism identified under I above, which ate dd-mm-yy of the original deposit) 1
request to convert the original deposit to a	ns received by this International Depositary -mm-yy of the original deposit) and a deposit under the Budapest Treaty was received -mm-yy of receipt of request for conversion)
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Centraalbureau voor Schimmelcultures Address: Oosterstraat 1 P.O. Box 273 3740 AG BAARN The Netherlands	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): Mrs F.B. Snippe-Claus Date (dd-mm-yy): 22-06-99

¹ Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired.

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BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Rhodia Chimie
Usine de Melle
R.T.A.
BP 30
79500 MELLE
Frankrijk
name and address of the party to whom the

viability statement is issued

VIABILITY STATEMENT issued pursuant to Rule 10.2 by the INTERNATIONAL DEPOSITARY AUTHORITY identified on the following page

III. VIABILITY STATEMENT The viability of the microorganism identified under TI above No. 100001	II. IDENTIFICATION OF THE MICROORGAN	TISM ·
79500 MELLE Prankrijk Date (dd-mm-yy) of the deposit or of transfer: 1 16-06-99 III. VIABILITY STATEMENT The viability of the microorganism identified under II above was tested on 22-06-99 2. On that date (dd-mm-yy), the said microorganism was	INTERNATIONAL DEPOSITARY AUTHORITY:	
The viability of the microorganism identified under II above was tested on 22-06-99 2. On that date (dd-mm-yy), the said microorganism was	Date (dd-mm-yy) of the deposit or of	the
on 22-06-99 2. On that date (dd-mm-yy), the said microorganism was		
no longer viable	tified under II above was tested mm-yy), the said microorganism was	

Indicate the date of the original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).

In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.

³ Mark with a cross the applicable box.

IV.	CONDITIONS	UNDER	MEICE	THE	VIABILITY	HAS	BEEN	PERFORME	>	4			
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		·											
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yddre	P.O. Bo	x 273	•				4		90		8		
·	3740 At The Ne				_			B. Snippe (dd-mm-yy		06-99	20	JA. St	alpers

⁴ Fill in if the information has been requested and if the results of the test were negative.

BUDAPEST TREATY ON THE INTERNATIONAL PECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Rhodia Chimie	
Usine de Melle R.T.A.	
BP 30	
79500 MELLE Frankrijk	

name and address of depositor

4 00 %

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page

Identification referen	
Identification reference given by the DEPOSITOR:	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY:
RPA-BIOCAT 1022	CBS 101944
·	CBS 101944
II. SCIENTIFIC DESCRIPTION AND/OR PROPOS	ED TAXONOMIC DESIGNATION
The microorganism identified under I a X a scientific description	bove was accompanied by:
a proposed taxonomic designation (mark with a cross where applicable)	·
III. RECEIPT AND ACCEPTANCE	
This International Depositary accepts the material of the material of the second of th	icroorganism identified under I above, which
10-00-33	(date dd-mm-yy of the original deposit) 1
IV. RECEIPT OF REQUEST FOR CONVERSION	(date dd-mm-yy of the original deposit) 1
IV. RECZIPT OF REQUEST FOR CONVERSION The microorganism identified under I above Authority on not applicable (date of request to convert the original deposit to	was received by this International Depositary dd-mm-yy of the original deposit) and a a deposit under the Budapest Tracture.
IV. RECEIPT OF REQUEST FOR CONVERSION The microorganism identified under I above Authority on not applicable (date of the convert to convert the original deposit to by it on not applicable (date of the convert to th	was received by this International Depositary
IV. RECEIPT OF REQUEST FOR CONVERSION The microorganism identified under I above Authority on not applicable (date of the convert to the original deposit to by it on not applicable (date of the convert to the conver	was received by this International Depositary dd-mm-yy of the original deposit) and a a deposit under the Budapest Treaty was received dd-mm-yy of receipt of request for conversion) Signature(s) of person(s) having the power to represent the International Deposits and Inter
IV. RECEIPT OF REQUEST FOR CONVERSION The microorganism identified under I above Authority on not applicable (date of the convert the original deposit to by it on not applicable (date of the convert that original deposit to the convert the original deposit to the convert that or the convert the original deposit to the convert that or t	was received by this International Depositary dd-mm-yy of the original deposit) and a a deposit under the Budapest Treaty was received dd-mm-yy of receipt of request for conversion)
IV. RECRIPT OF REQUEST FOR CONVERSION The microorganism identified under I above Authority on not applicable (date of the convert the original deposit to by it on not applicable (date of the convert that the convert the convert the original deposit to by it on not applicable (date of the convert that the convert the original deposit to the convert the original deposit to the convert that the convert the original deposit to the convert the original deposit to the convert that the convert the convert the original deposit to the convert that the convert that the convert the con	was received by this International Depositary dd-mm-yy of the original deposit) and a a deposit under the Budapest Treaty was received dd-mm-yy of receipt of request for conversion) Signature(s) of person(s) having the power to represent the International Deposits and Inter

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CBS/9107

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Rhodia Chimie Usine de Melle	
R.T.A.	
BP 30	
79500 MELLE	
Frankrijk	
name and address	of the party to whom the

viability statement is issued

w. •: €: _A.

VIABILITY STATEMENT issued pursuant to Rule 10.2 by the INTERNATIONAL DEPOSITARY AUTHORITY identified on the following page

I. DEPO	SITOR	II. IDENTIFICATION OF THE MICROORGANISM
Name:	Rhodia Chimie Usine de Melle R.T.A.	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY:
Address:	BP 30	CBS 101944
· .	79500 MELLE Frenkrijk	Date (dd-mm-yy) of the deposit or of the transfer: 1 16-06-99
III. VIA	BILITY STATEMENT	
X ³ vi	able	entified under II above was tested id-mm-yy), the said microorganism was
1 1 00	longer viable	

¹ Indicate the date of the original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).

² In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.

³ Mark with a cross the applicable box.

IV.	CONDITIONS	UNDER	MHICE	THE	VLABILITY	EAS	BEEN	PERFORMED	4	
v. 1	NIERWATIONA	L DEPOS	SITARY	דנעג	HORITY					
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Nâme	Centras Centras Costers P.O. Bo	albureau straat 1	voor Sc				Autho	present the	Internati authorized	Onal Deposits

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Fill in if the information has been requested and if the results of the test were negative.